



WHAT IS CLAIMED IS:

1. (Original) A cooler comprising:  
a sidewall portion including an outer layer and an inner layer  
quilted to form a plurality of gel pockets; and  
gel disposed in the plurality of gel pockets, wherein the cooler is  
foldable along regions between the gel pockets.
2. (Withdrawn) The cooler of claim 1 wherein the gel is a saline  
solution.
3. (Original) The cooler of claim 1 wherein quilting the outer layer and  
the inner layer results in a polygonal shape.
4. (Withdrawn) The cooler of claim 1 wherein quilting the outer  
layer and the inner layer results in a circular shape.
5. (Original) The cooler of claim 1 further comprising:  
a lid including an outer layer and an inner layer quilted to form a  
plurality of gel pockets.
6. (Original) The cooler of claim 5 wherein the lid is sealably  
connected to the sidewalls.
7. (Currently Amended) The cooler of claim 6 wherein the  
connection is selected from the group consisting of a zipper, ~~Velcro~~,  
VELCRO, magnets, clips, and snaps.
8. (Original) The cooler of claim 1 further comprising:  
a bottom including an outer layer and an inner layer quilted to  
form a plurality of gel pockets.

9. (Original) The cooler of claim 8 wherein the bottom is fixedly attached to the sidewall.

10. (Original) The cooler of claim 8 wherein the bottom is attached to the sidewall with a method selected from stitching and hot sealing.

11. (Original) The cooler of claim 9 further comprising:  
a bottom flap foldable attached to a seam between the bottom and the sidewall.

12. (Currently Amended) A method for constructing a cooler, the method comprising:

providing an inner wall and an outer wall;  
creating a plurality of pouches with the inner and outer walls;  
partially filling the pouch with a gel;  
creating a first set of gel filled portion by sealing the partially filled pouches to contain the gel;  
adding additional gel to the pouches; and  
creating a second set of gel filled portions by sealing the partially filled pouches to contain the additional gel.

13. (Original) The method of claim 12 further comprising:  
Creating an additional predetermined number of gel filled portions.

14. (Original) The method of claim 12 further comprising the step of  
creating additional gel filled portions until the pouch is filled with gel.

15. (New) The cooler of claim 1 wherein the inner layer is a temperature resistant plastic.

16. (New) The cooler of claim 1 wherein the foldable regions between gel pockets are heat seals or sonic welds.

Examiner rejected Claims 1, 3 and 5-14 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,490,396 to Morris. Examiner states:

In FIG. 4, Morris teaches a cooler (20) comprising a sidewall portion including an outer layer (10) and an inner layer (8) quilted (13A-E) to form a plurality of gel pockets; wherein the cooler is foldable along regions between the gel pockets (abstract); wherein quilting the outer layer and the inner layer results in a polygonal shape (see FIG. 3); said cooler further comprising a lid (2) including an outer layer (8) and an inner layer (10) quilted to form a plurality of gel pockets (col 1, lines 9-10), wherein the lid is sealably connected to the sidewalls (9) and wherein the connection is a Velcro connection (abstract); wherein said cooler further comprises a bottom (col 2, lines 23-25) including an outer layer (10) and an inner layer (10) quilted (13) to form a plurality of gel pockets, wherein the bottom is fixably attached to the sidewall via stitching (col 2, lines 44-46) and wherein the cooler further comprises a bottom flap (14) foldably attached to a seam between the bottom and the sidewall.

Applicant McCrory disagrees with Examiner in rejecting claim 1 and provides the argument that Morris teaches the use of vertical or horizontal seams, but not both in conjunction with one another within the sidewall. Morris shows quilting only for the purpose of creating a foldable region. Additionally, Morris teaches the cooler having a gel packet bottom, where McCrory does not claim a cooler bottom with gel pockets. McCrory claims the quilting of a plurality of gel pockets within each sidewall, including the areas between foldable regions. McCrory's figures illustrate vertical and horizontal quilting to form a grid of gel pockets in each sidewall portion, keeping the gel from flowing unrestricted throughout the sidewall portion, side to side or top to bottom, thereby providing improved thermal performance. Further, McCrory's foldable regions between gel pockets are merely seams positioned at specific folding locations, rather than the quilted plurality of gel pockets of the sidewall portion, allowing the cooler to be opened when frozen. Applicant asks that Examiner reconsider the rejection and that Claim 1 be allowed on this basis.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,490,396 to Morris, in view of U.S. Patent 6, 474,095 to Chan. Applicant agrees with Examiner's rejection, please cancel Claim 2.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,490,396 to Morris. Applicant agrees with Examiner's rejection, please cancel Claim 4.

Claim 3 (Dependant) and Claims 5-11 (Dependant).

Claim 3 and Claims 5-11 depend on Claim 1 and applicant believes that the argument for allowing Claim 1 may be applied to the patentability of Claim 3 and Claims 5-11 to overcome Examiner's rejection. Applicant asks that Claim 3 and Claims 5-11 be allowed on this basis.

Claim 13 and 14 depend on Claim 12 and applicant believes that the amended limitations of Claim 12 may be applied to the patentability of Claim 13 and 14 to overcome Examiner's rejection and ask that these Claims be allowed.

Claims 15 and 16 are new Claims replacing withdrawn Claims 2 and 4.

Gerry Fischer  
Attorney at Law

A handwritten signature in cursive script, appearing to read "Gerry Fischer", is written over the typed name and title.